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AUG 31 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS MARTINEZ,

Defendant.

2:20-CR-135-GMN-DJA

**Preliminary Order of Forfeiture**

This Court finds Thomas Martinez pled guilty to Count One of a One-Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. ~~42~~; Plea Agreement, ECF No. 43

This Court finds Thomas Martinez agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 42; Plea Agreement, ECF No. 43

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offense to which Thomas Martinez pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. .38 Special Derringer, bearing serial number 009154; and

2. any and all compatible ammunition

(all of which constitutes property).

1 This Court finds that on the government's motion, the Court may at any time enter  
2 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
3 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and  
4 32.2(b)(2)(C).

5 This Court finds the United States of America is now entitled to, and should, reduce  
6 the aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
8 DECREED that the United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
10 rights, ownership rights, and all rights, titles, and interests of Thomas Martinez in the  
11 aforementioned property are forfeited and are vested in the United States of America and  
12 shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if the value of  
14 the property is less than \$1,000, the government may serve every person reasonably  
15 identified as a potential claimant in lieu of publication pursuant to Fed. R. Crim. P.  
16 32.2(b)(6)(C) with Fed. R. Civ. P. Supp. Rule G(4)(a)(i)(A).

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
18 or entity who claims an interest in the aforementioned property must file a petition for a  
19 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
20 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §  
21 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
22 right, title, or interest in the forfeited property and any additional facts supporting the  
23 petitioner's petition and the relief sought.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
25 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,  
26 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was  
27 not sent, no later than sixty (60) days after the first day of the publication on the official  
28 internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
2 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
3 Attorney's Office at the following address at the time of filing:

4 Daniel D. Hollingsworth  
5 Assistant United States Attorney  
6 James A. Blum  
7 Assistant United States Attorney  
8 501 Las Vegas Boulevard South, Suite 1100  
9 Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
11 described herein need not be published in the event a Declaration of Forfeiture is issued by  
12 the appropriate agency following publication of notice of seizure and intent to  
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
15 copies of this Order to all counsel of record.

16 DATED Aug 31, 2021.

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18 GLORIA M. NAVARRO  
19 UNITED STATES DISTRICT JUDGE  
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